

# AGENDA ITEM SUMMARY

January 21, 2020

City Council

## **STAFF**

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Delynn Coldiron, City Clerk

## **SUBJECT**

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Consideration and Approval of the Minutes of the December 17, 2019 and January 7, 2020, Regular Council Meetings.

## **EXECUTIVE SUMMARY**

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The purpose of this item is to approve the minutes from the December 17, 2019 and January 7, 2020 regular Council meetings.

## **ATTACHMENTS**

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1. December 17, 2019 (PDF)
2. January 7, 2020 (PDF)

December 17, 2019

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

● **ROLL CALL**

PRESENT: Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff  
Staff Present: Atteberry, Daggett, Coldiron

● **AGENDA REVIEW: CITY MANAGER**

City Manager Atteberry noted the Montava Planned Unit Development hearing has been rescheduled to January 7, 2020 and stated the agenda has been amended to include Item No. 15a, *Resolution 2019-118 Authorizing Extension of the Date for Implementation of Hauler Licensing Programs Under the Intergovernmental Agreement for Solid Waste Programming and Infrastructure Improvements*, which supports the extension of a deadline for participants in the North Front Range Regional Wasteshed Coalition Intergovernmental Agreement to update their hauler licensing from January 1, 2020 to April 1, 2020.

● **PUBLIC COMMENT**

Stacy Lynne discussed the mental health issues of a man who was released from incarceration recently. Writing tickets to addicts and mentally ill people is not a law enforcement problem. The City's decision-making processes are forcing police to do things that do not make sense and suggested there are things that can be done to save lives and ease the pressures being put on the weakest members of the community. She provided legal notices regarding a public records request.

Asa Borne suggested marijuana consumption lounges could be a good option to allow legal smoking for those who may not be from the area or who may not be able to consume in their homes. He also suggested observed consumption in these lounges could aid in a decrease in impaired driving.

Tom Aberle thanked Council for funding the Vibrant Neighborhood Grant as it has helped his neighborhood improve landscaping, convert sprinkler systems to drip irrigation, and add art installations. He also discussed the Sustainable Neighborhood Program and commended the Neighborhood Resources Department.

Sally Anderson, District Director from Congressman Neguse, showed a video from Congressman Neguse thanking Council and providing an update from his office regarding legislation.

Jerry Gavaldon discussed public perception issues of association by employment in regard to a recent Ethics Review Board decision.

● **PUBLIC COMMENT FOLLOW-UP**

Mayor Troxell summarized the citizen comments. Regarding Mr. Gavaldon's comments, he stated he takes issues of conflict of interest very seriously and there are clear definitions of financial or

personal interest. Neither he nor Mayor Pro Tem Stephens have a conflict in relation to the Hughes Stadium site rezoning based on those definitions, as was found by the Ethics Review Board.

Councilmember Summers thanked Mr. Aberle and the Oakridge neighborhood for their work and commended the associated City grants.

Mayor Pro Tem Stephens thanked Ms. Anderson for coming from Congressman Neguse's office and expressed gratitude for having him as a partner in federal priorities.

Councilmember Cunniff commended Congressman Neguse on his accessibility. He stated he will be discussing Ethics Review under Other Business.

● **CONSENT CALENDAR**

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Cunniff, to adopt and approve all items on the Consent Agenda.

<b>RESULT:</b>	<b>CONSENT AGENDA ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Kristin Stephens, District 4
<b>SECONDER:</b>	Ross Cunniff, District 5
<b>AYES:</b>	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

1. **Items Relating to Purchase of Vehicles. (Adopted)**

- A. Second Reading of Ordinance No. 141, 2019, Appropriating Unanticipated Grant Revenue from the Volkswagen Settlement Funds for the Purchase of Two Electric Vehicles to Replace End of Life Diesel Vehicles and Associated Charging Equipment.
- B. Second Reading of Ordinance No. 142, 2019, Appropriating Unanticipated Grant Revenue from the Volkswagen Settlement Funds for the Purchase of Three Alternative Fuel Body-on-Chassis Style Buses.

The purpose of this item is to appropriate unanticipated grant revenue awarded to Transfort through the Clean Air Act Settlement program administered by Colorado Department of Public Health and Environment (CDPHE) and to reappropriate lapsing funds. Transfort was awarded funding through CDOT's Consolidated Call for Capital Projects in 2018 for the purchase of a total of five alternatively fueled vehicles and two depot chargers. Settlement funds can be used to cover 110% of the incremental cost of purchasing an alternatively fueled vehicle compared with a new diesel vehicle. Transfort plans to replace two end-of-life diesel revenue transit buses with two new zero-emission vehicles (ZEV), purchase two depot chargers, and replace three end-of-life diesel cutaway buses with three alternative fuel vehicles. Settlement funds do not require a local match.

2. **Second Reading of Ordinance No. 143, 2019, Making Appropriations and Authorizing Transfers of Appropriations for the Horsetooth Outlet Project and Related Art in Public Places. (Adopted)**

This Ordinance, unanimously adopted on First Reading on December 3, 2019, appropriates \$3.2 million from Water Fund Reserves to design and construct a project to provide a temporary backup water supply pumping system during a planned October-November 2020 closure by Northern Water of the Soldier Canyon Dam Outlet pipeline from Horsetooth Reservoir (Horsetooth Outlet Project). The pipeline provides water to the two drinking water treatment plants serving the City of Fort Collins and surrounding areas, serving about 250,000 people. The pumping system is intended as an emergency backup supply system to the primary Cache la Poudre River (Poudre River) water supply during the 60-day planned outage of the Soldier Canyon Dam Outlet pipeline. The City will be reimbursed 58%

of the project costs by the project partners at the conclusion of construction. The City's final contribution will be \$1.4 million of the \$3.2 million total project cost.

3. **Second Reading of Ordinance No. 145, 2019, Adopting the 2020 Classified Employees Pay Plan. (Adopted)**

This Ordinance, unanimously adopted on First Reading on December 3, 2019, adopts the 2020 City Classified Employee Pay Plan. Classified jobs are grouped according to job functions, a business practice commonly used by both the public and private sectors. Pay ranges are developed by career group (management, professional, administrative, operations and trades) and level for each job function. The result of this work is a City Classified Employee Pay Plan which sets the minimum, midpoint and maximum of pay ranges for the level, within each career group and function. Actual employee pay increases are awarded through a separate administrative process in accordance with the budgeted amount approved by Council.

4. **Second Reading of Ordinance No. 146, 2019, Adopting the 2020 Larimer County Regional Transportation Capital Expansion Fee Schedule. (Adopted)**

This Ordinance, unanimously adopted on First Reading on December 3, 2019, adopts the 2020 Larimer County Regional Transportation Capital Expansion Fee schedule. The City collects Larimer County Regional Capital Expansion Fees (Regional TCEF) on behalf of the County. The Regional TCEF generates revenue for capacity related improvements to regionally significant roadways that are necessitated by new development. The Regional TCEF are only used on improvements that mutually benefit both the City and County. The Regional TCEF are collected at the issuance of a building permit.

5. **Second Reading of Ordinance No. 147, 2019, Authorizing the Exchange of Stormwater Easements Between the City of Fort Collins and John C. Graham and Ginger L. Graham. (Adopted)**

This Ordinance, unanimously adopted on First Reading on December 3, 2019, authorizes an exchange of stormwater easements across portions of property generally located north of the North Lemay and East Vine intersection. A stormwater easement from the City of Fort Collins will be conveyed to John C. Graham and Ginger L. Graham (consisting of 5,749 square feet located on City property) and a stormwater easement from John C. Graham and Ginger L. Graham will be conveyed to the City of Fort Collins (consisting of 34,885 square feet) and a temporary construction easement (consisting of 22,235 square feet) would be exchanged. As consideration for the easements on the Graham property the City would convey the easement across City property and the Stormwater Utility would agree to apply the balance of the difference between the value of the two easements to Stormwater Plant Investment Fees (PIF) and monthly stormwater fees for a hay barn built by the Grahams within the City limits, instead of additional cash consideration. The City's receipt of the easements across the Graham property is consideration for the easement across City property and the credited stormwater fees.

6. **First Reading of Ordinance No. 148, 2019, Amending Chapters 12, 15 and 20 of the Code of the City of Fort Collins to Update Environmental Codes. (Adopted)**

The purpose of this item is to update existing environmental codes for clarity, consistency with current practices, and in support of their enforcement. All changes are administrative in nature and do not change the purpose of the Code sections.

7. **First Reading of Ordinance No. 153, 2019, Authorizing the City Council to Make Short-Term Appointments to City Boards and Commissions in 2020. (Adopted)**

The purpose of this item is first reading of an ordinance to allow Council to make one-year interim appointments to advisory boards and commissions notwithstanding the term requirements in City Code. Due to a 2019 Council Priority item (Reimagine Boards and Commissions) the City Clerk's Office was instructed to pause reappointments/interviews for all boards and commissions, except for

quasi-judicial boards and boards/commissions at risk of falling below quorum. To ensure boards and commissions can maintain quorum in the face of unplanned absences and effectively perform their duties, this Ordinance will allow Council to temporarily fill boards/commissions while the Reimagine Project continues in 2020.

8. **First Reading of Ordinance No. 149, 2019, Designating the Frank J. Ulrich Property, 516 Laporte Avenue, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins. (Adopted)**

*This item is a quasi-judicial matter and if it is considered on the discussion agenda, it will be considered in accordance with the procedures described in Section 1(f) of the Council's Rules of Meeting Procedures adopted in Resolution 2019-064.*

The purpose of this item is to designate the Frank J. Ulrich property located at 516 Laporte Avenue as a Fort Collins Landmark. This is a voluntary designation at the property owner's request. The property owner is 516 Laporte, LLC, of which Dale Eggleston is a member. The Landmark Preservation Commission unanimously recommends approving this landmark designation.

9. **Resolution 2019-111 Finding Substantial Compliance and Initiating Annexation Proceedings for the Soldier Canyon Pump Station Annexation. (Adopted)**

The purpose of this item is to determine substantial compliance and initiate annexation proceedings for the Soldier Canyon Pump Station Annexation. The Applicant has submitted a written petition requesting the annexation. The purpose of the annexation is to allow the Soldier Canyon Pump Station to be served by Fort Collins Light and Power, rather than Xcel Energy. This is a voluntary annexation. The Soldier Canyon Pump Station Annexation totals 0.702 acres; it achieves the required 1/6 perimeter boundary contiguity with the existing municipal boundaries to the north, west and south. The site is enclosed on three sides by the City of Fort Collins Water Treatment Facility at 4316 LaPorte Avenue. The annexation would incorporate the site into Fort Collins' municipal boundaries, as well as the Residential Neighborhood Sign District.

The requested zoning for this annexation is Residential Foothills (R-F), in compliance with the City of Fort Collins Structure Plan designation of the "Campus District" place type. No project development plan proposal was submitted in conjunction with the annexation application.

10. **Resolution 2019-112 Finding Substantial Compliance and Initiating Annexation Proceedings for the Timberline-International Annexation No. 1. (Adopted)**

The purpose of this item is to determine substantial compliance and initiate annexation proceedings for the Timberline-International Annexation No. 1. The Applicant has submitted a written petition requesting three sequential annexations. Timberline-International Annexation No. 1. is the first Resolution of this series of three sequential annexations, and totals 0.09 acres of North Timberline Road Right-of-Way, which establishes 1/6 perimeter boundary contiguity with the existing municipal boundaries to the north, located northeast of the North Timberline Road and International Boulevard intersection, into Fort Collins' municipal boundaries, as well as into the Residential Neighborhood Sign District.

The requested zoning for this annexation is Industrial (I), in compliance with the City of Fort Collins Structure Plan and the East Mulberry Corridor Plan. Notice to parcels abutting platted streets was provided pursuant to §31-12-105, C.R.S. No project development plan proposal was submitted in conjunction with the annexation application.

11. **Resolution 2019-113 Finding Substantial Compliance and Initiating Annexation Proceedings for the Timberline-International Annexation No. 2 (Adopted)**

The purpose of this item is to determine substantial compliance and initiate annexation proceedings for the Timberline-International Annexation No. 2. The Applicant has submitted a written petition

requesting three sequential annexations. Timberline-International Annexation No. 2. is the second Resolution of this series of three sequential annexations, and totals 0.86 acres of North Timberline Road and International Boulevard Right-of-Way, which establishes 1/6 perimeter boundary contiguity with the existing municipal boundaries to the north, located northeast of the North Timberline Road and International Boulevard intersection, into Fort Collins' municipal boundaries, as well as into the Residential Neighborhood Sign District.

The requested zoning for this annexation is Industrial (I), in compliance with the City of Fort Collins Structure Plan and the East Mulberry Corridor Plan. Notice to parcels abutting platted streets was provided pursuant to §31-12-105, C.R.S. No project development plan proposal was submitted in conjunction with the annexation application.

12. **Resolution 2019-114 Finding Substantial Compliance and Initiating Annexation Proceedings for the Timberline-International Annexation No. 3 (Adopted)**

The purpose of this item is to determine substantial compliance and initiate annexation proceedings for the Timberline-International Annexation No. 3. The Applicant has submitted a written petition requesting three sequential annexations. Timberline-International Annexation No. 3. is the third Resolution of this series of three sequential annexations, and totals 1.39 acres, which establishes 1/6 perimeter boundary contiguity with the existing municipal boundaries to the south and east, located northwest of the North Timberline Road and International Boulevard intersection, into Fort Collins' municipal boundaries, as well as into the Residential Neighborhood Sign District.

The requested zoning for this annexation is Industrial (I), in compliance with the City of Fort Collins Structure Plan and the East Mulberry Corridor Plan. Notice to parcels abutting platted streets was provided pursuant to §31-12-105, C.R.S. No project development plan proposal was submitted in conjunction with the annexation application.

13. **Resolution 2019-115 Approving the Purchase of Administrator Services for Life Insurance, Short-Term and Long-Term Disability Insurance from Voya and Anthem as an Exception to the Competitive Purchasing Process. (Adopted)**

The purpose of this item is to request Council authority to extend the existing arrangements with Voya and Anthem, who each provide administrator services for a portion of the City's employee benefits program, for up to two additional one-year terms to ensure the successful completion of the City's new benefits program without overextending the cross-departmental resources of the City. Additionally, the extension will allow the time necessary to optimize the competitive process for these services to the benefit of the City and its employees.

14. **Resolution 2019-116 Approving the Purchase of Health Services from Marathon Health, Inc. as an Exception to the Competitive Purchasing Process. (Adopted)**

The purpose of this item is to request Council authority to extend the existing agreement with Marathon Health under RFP 7512 On-Site Employee Wellness Clinic for two additional one-year terms. In alignment with Larimer County, staff will begin the RFP process the first quarter 2021 for a January 1, 2022 contract.

15. **Resolution 2019-117 Designating Councilmember Gorgol to Represent the City on the Larimer County Community Services Block Grant Advisory Board. (Adopted)**

The purpose of this item is to designate Councilmember Gorgol to represent the City on the Larimer County Community Services Block Grant Advisory Board.

15a. **Resolution 2019-118 Authorizing Extension of the Date for Implementation of Hauler Licensing Programs Under the Intergovernmental Agreement for Solid Waste Programming and Infrastructure Improvements.** (Adopted)

The purpose of this item is to support the extension of a deadline for participants in the North Front Range Regional Wasteshed Coalition Intergovernmental Agreement to update their hauler licensing from January 1, 2020 to April 1, 2020.

● **CONSENT CALENDAR FOLLOW-UP**

Councilmember Gutowsky commented on her review of the Landmark Preservation Commission and commended its work. She would like a member of the Commission to make a presentation for Second Reading of Item No. 8, *First Reading of Ordinance No. 149, 2019, Designating the Frank J. Ulrich Property, 516 Laporte Avenue, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins.*

Councilmember Cunniff commented on the addition of Item No. 15a, *Resolution 2019-118 Authorizing Extension of the Date for Implementation of Hauler Licensing Programs Under the Intergovernmental Agreement for Solid Waste Programming and Infrastructure Improvements.* He also noted Council has adopted a short-term boards and commissions appointment process via Item No. 7, *First Reading of Ordinance No. 153, 2019, Authorizing the City Council to Make Short-Term Appointments to City Boards and Commissions in 2020*, stating this will ensure the boards and commissions structure is functioning until the "Reimagining Boards and Commissions" process is complete.

● **STAFF REPORTS**

A. **Community Dashboard Metric: Recreation Programs Total Cumulative Participation.** (staff: Bob Adams)

Bob Adams, Recreation Director, discussed the recreation total participation community dashboard metric and its relationship to the City's strategic objectives. Recreation participation is monitored through registration, facility rentals, pass scans, and daily drop-ins Total participation numbers were slightly lower than the goal; however, that was likely related to unexpected maintenance issues, road work, and a cooler, wetter summer. Adams commented on equity and inclusion improvements in the Recreation sector, including a tiered rate system and adaptive recreation programs. He discussed the quarterly customer satisfaction survey which has shown above a 92% satisfaction rate the past four quarters.

Mayor Pro Tem Stephens requested details about the reduced rate program. Adams replied residents can apply for the program which allows youth a \$6 annual pass for all facilities and adults a \$25 annual pass. The program also provides reduced programming rates. He discussed the application process and stated over 5,000 residents have gone through the application process this year.

Mayor Pro Tem Stephens commended the reduced rate program. She asked if there are Spanish-speaking staff members at the Northside Atzlan Center. Adams replied all facilities follow Title VI requirements for Spanish-speaking staff and there is a language phone line available for translation needs.

Councilmember Gutowsky commended the Recreation staff and stated the physical health of a community is related to mental health. She also commended the partnership with the Front Range Forum which offers educational opportunities for life-long learners.

Mayor Troxell commended the work of the Recreation Department and mentioned the forthcoming innovation center intergenerational programming.

Councilmember Gorgol asked if there is a cap on how many residents can qualify for the reduced rate program. Adams replied there is currently no cap.

Councilmember Gorgol asked how residents can qualify for the program beyond being part of Poudre School District's free and reduced lunch program. Adams replied he could provide that information under separate cover.

Councilmember Gorgol asked if any programs are offered solely in Spanish. Adams replied no programs are offered solely in Spanish; however, translation is provided if requested.

**B. Commission for Accreditation of Parks and Recreation Agencies (CAPRA) Award.** (staff: Bob Adams)

Bob Adams, Recreation Director, stated the City was awarded accreditation for best practices by the Commission for Accreditation of Parks and Recreation Agencies, CAPRA, after a two-year process. He discussed the requirements for the accreditation, which include an annual reporting of process improvements.

Mayor Troxell commended the outstanding services provided by both the Parks and Recreation Departments and stated this accreditation recognizes their efforts.

Mayor Pro Tem Stephens asked about the ADA transition plan. Adams replied Carol Thomas is leading an effort to assess the parks and recreation facilities and create a plan.

● **COUNCILMEMBER REPORTS**

Councilmember Summers reported on the career of Doug Evans, a retiring Parks and Recreation Department employee. He also discussed mental health conditions across the state, noting Fort Collins ranks the highest in the state for mental health emergency room visits. He stated that data shows the need for the recently passed mental health tax.

Mayor Pro Tem Stephens provided information related to mental health resources and services in the community. She also reported on the Wreaths Across America event which provides wreaths for veterans' grave sites and on her review of the Community Development Block Grant Commission.

Councilmember Gutowsky reported on the Coats and Boots holiday party, a visit to La Cocina, a tour of the water treatment plant, and a visit to Saint Peter's Fly Shop.

Councilmember Gorgol reported on the tour of the water treatment facility and visits to My Sister Knits and the Lyric Theater.

Councilmember Pignataro reported on visits to Daddy Cakes Bakery, Palmer Flowers, and Brown's Shoes. She also reported on the recent Futures Committee meeting about libraries.

Mayor Pro Tem Stephens reported on visits to Recycled Cycles and Magpies and encouraged holiday shopping at local small businesses.

Councilmember Cunniff reported on visits to Gib's Bagels, High Plains Scuba, and Maxline Brewing.

Mayor Troxell reported a visit to The Exchange including La Piadina and Board and Brush. He also reported on the Tuba Christmas event.

● **DISCUSSION ITEMS**

**16. Consideration of a motion to adjourn into executive session.**

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Cunniff, that the City Council go into executive session, as permitted under Article Two, Section Eleven of the City Charter, Section 2-31(a)(1) of the City Code and Colorado Revised Statutes Section 24-6-402(4)(f)(roman number one), for the purpose of continuing the annual reviews of the Chief Judge, City Manager and City Attorney.

(Secretary's Note: The Council went into executive session at this point in the meeting and returned at 7:52 PM)

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Kristin Stephens, District 4
<b>SECONDER:</b>	Ross Cunniff, District 5
<b>AYES:</b>	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

**17. First Reading of Ordinance No. 150, 2019, Amending Section 2-606 of the Code of the City of Fort Collins and Setting the Salary of the Chief Judge. (Adopted on First Reading)**

*The purpose of this item is to establish the 2020 salary of the Chief Judge. City Council met in executive sessions on November 12 and 19, 2019 and may meet in another executive session on December 17, 2019, to conduct the performance review of Chief Judge Kathleen Lane. This Ordinance sets the 2020 salary of the Chief Judge.*

Jamie Heckman, Human Resources Department, discussed the City's compensation philosophy for the Municipal Judge which is based on market and performance and provides a level of transparency. She noted Council has adopted a list of benchmark cities.

Mayor Troxell discussed Council's efforts at being more data-driven and noted Council has created an ad hoc committee to examine salary, benefits, and peer cities for its three direct reports.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Gutowsky, to adopt Ordinance No. 150, 2019, on First Reading, with the amount of \$121,180 for the base salary.

Mayor Pro Tem Stephens discussed the need for the salary increase based on benchmark cities and the Municipal Judge's work and innovations.

Councilmember Pignataro requested a friendly amendment to support a further increase to put the salary at the 75<sup>th</sup> percentile, which would be a 4.5% increase rather than a 4% increase. She cited Judge Lane's tenure of service and consistency in meeting Council's priorities.

Mayor Pro Tem Stephens and Councilmember Gutowsky accepted the friendly amendment to adjust the base salary to \$128,762.

Councilmember Cunniff stated he would support the motion citing Judge Lane's performance and innovative leadership.

Mayor Troxell stated he would support the motion citing Judge Lane's operational effectiveness and judicial demeanor.

<b>RESULT:</b>	<b>ORDINANCE NO. 150, 2019, ADOPTED ON FIRST READING [UNANIMOUS]</b>
<b>MOVER:</b>	Kristin Stephens, District 4
<b>SECONDER:</b>	Susan Gutowsky, District 1
<b>AYES:</b>	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

18. **First Reading of Ordinance No. 151, 2019, Amending Section 2-581 of the Code of the City of Fort Collins and Setting the Salary of the City Attorney. (Adopted on First Reading)**

*The purpose of this item is to establish the 2020 salary of the City Attorney. City Council met in executive sessions on November 12 and 19, 2019, and may meet in another executive session on December 17, 2019, to conduct the performance review of Carrie Daggett, City Attorney. This Ordinance sets the 2020 salary of the City Attorney.*

Jamie Heckman, Human Resources Department, discussed the City's compensation philosophy for the City Attorney which is data-driven, transparent, based on an established market, and includes a level of performance.

Mayor Pro Tem Stephens suggested a 3% increase, which would make the base salary \$206,090.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Gutowsky, to adopt Ordinance No. 151, 2019, on First Reading, with the amount of \$206,090 for the base salary.

Mayor Pro Tem Stephens commended the work of the City Attorney and stated this salary increase is in line with what many City employees are receiving.

Councilmember Gutowsky discussed the importance of keeping salaries competitive and commended the work of the City Attorney.

Mayor Troxell commended City Attorney Daggett's work and noted she is in the upper half of longevity for peer cities.

Mayor Pro Tem Stephens noted the cost of Fort Collins' legal services compared to other cities is much lower.

<b>RESULT:</b>	<b>ORDINANCE NO. 151, 2019, ADOPTED ON FIRST READING [UNANIMOUS]</b>
<b>MOVER:</b>	Kristin Stephens, District 4
<b>SECONDER:</b>	Susan Gutowsky, District 1
<b>AYES:</b>	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

19. **First Reading of Ordinance No. 152, 2019, Amending Section 2-596 of the Code of the City of Fort Collins and Setting the Salary of the City Manager. (Adopted on First Reading)**

*The purpose of this item is to establish the 2020 salary of the City Manager. City Council met in executive sessions on November 12 and 19, 2019 and may meet in another executive session on December 17, 2019, to conduct the performance review of Darin Atteberry, City Manager. This Ordinance sets the 2020 salary of the City Manager.*

Jamie Heckman, Human Resources Department, discussed the City's compensation philosophy for the City Manager which is data-driven, transparent, based on market, and includes performance.

Mayor Pro Tem Stephens suggested a 3% increase which would bring the base salary to \$278,475, which is above the 75<sup>th</sup> percentile compared to the benchmark cities.

Councilmember Pignataro suggested a 2% increase.

Mayor Pro Tem Stephens noted the benchmark cities list has been revamped in order to reflect comparisons to similarly successful cities with similar philosophies and demographics.

Councilmember Pignataro discussed her reasoning for suggesting a 2% increase.

Councilmember Cunniff expressed concern about some communication issues over the recent years, particularly related to large initiatives that seem to get started without significant Council input and stated he does not support any salary increase.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Gutowsky, to adopt Ordinance No. 152, 2019, on First Reading, with the amount of \$278,475 for the base salary.

Councilmember Cunniff stated he would not support any salary increase, regardless of performance, that would put the City Manager above the 75<sup>th</sup> percentile for salary in comparison to benchmark cities.

Mayor Troxell stated he would support the motion, noting City Manager Atteberry has the second longest tenure among benchmark cities. He cited the excellent performance of the City Manager and his ability to work with various Councilmembers.

Councilmember Gutowsky discussed the work of the ad hoc committee and stated the work of the City Manager has helped make Fort Collins the great city it is. She also noted Fort Collins now has its own broadband utility which speaks to City Manager Atteberry's leadership.

Councilmember Summers commended City Manager Atteberry's leadership of the City organization citing his strong passion, focus, and vision.

Councilmember Gorgol noted the 75<sup>th</sup> percentile is higher than the other direct reports; however, a zero percent salary increase is not the answer. She stated Council needs to improve as a unit on how it works with its direct reports and supported the 3% increase.

<b>RESULT:</b>	<b>ORDINANCE NO. 1152, 2019 ADOPTED ON FIRST READING [5 TO 2]</b>
<b>MOVER:</b>	Kristin Stephens, District 4
<b>SECONDER:</b>	Susan Gutowsky, District 1
<b>AYES:</b>	Gorgol, Gutowsky, Summers, Stephens, Troxell
<b>NAYS:</b>	Pignataro, Cunniff

● **OTHER BUSINESS**

Councilmember Cunniff discussed the Ethics Review Board meeting which included the five Councilmembers not named in the recent ethics complaint around the Hughes Stadium rezoning decision. He requested and received Council support to look into the process and initiate an investigation as to what it may take to constitute a randomly chosen selection from board and commission members for the Ethics Review Committee for Councilmembers.

Mayor Troxell questioned what problem this will solve and noted conflicts lie with the disclosure of an individual. Changing the Ethic Review Board formation would not change the fact that there are clear guidelines for conflicts, and he expressed concern an independent Ethics Review Board could be misused.

Councilmember Cunniff stated there has always been questions by members of the community about Council being the body doing the initial look at ethics complaints. The problem he is trying to solve involves maintaining the public trust and his suggested tactic would be fair, repeatable, and sustainable.

Mayor Troxell stated there is a large difference between Councilmembers and board and commission members as Councilmembers are duly elected and have taken an oath to represent the citizens of Fort Collins.

Councilmember Pignataro agreed the problem revolves around public perception. She stated she would be supportive of pursuing Councilmember Cunniff's suggestion.

Mayor Pro Tem Stephens stated it could be worth looking at best practices and different options to determine the least politicized version.

Councilmember Cunniff stated he would be willing to explore options.

Mayor Troxell stated he is open to having a conversation and questioned whether the perception problem is actually with how Council is constituted as an Ethics Review Board. He discussed previous examples of his recusals and disclosures.

Councilmember Summers supported looking at options but questioned the need for change. He noted there are larger issues with elected officials committing ethics violations. This does not need to be an urgent matter.

Councilmember Cunniff stated there should be no definitive timeline and requested a follow-up as to what would need to be done to change the ethics code. City Attorney Daggett replied the City operates under ethics provisions that are established in the City Charter and there is a state constitutional provision that allows home rule cities to do so. The City Code provisions are all written to build from what is in the Charter.

Mayor Pro Tem Stephens discussed the importance of striking a balance and noted constituents want their elected officials to be present for votes unless they truly have a conflict.

Mayor Troxell stated he would also like some information as to why the Ethics Review Board process was changed to the current system.

**Consideration of a motion to adjourn into executive session.**

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Cunniff, that City Council go into executive session to consider matters pertaining to issues of competition in providing telecommunication facilities and services including, without limitation, matters subject to negotiation, strategic plan, price, sales and marketing, development phasing and any other matter allowed under Colorado Law, as permitted under Article XX, Section 7(d) of the City Charter and Section 2-31(a)(5) of the City Code.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Kristin Stephens, District 4
<b>SECONDER:</b>	Ross Cunniff, District 5
<b>AYES:</b>	Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

● **ADJOURNMENT**

The meeting adjourned at 10:36 PM.

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Mayor

ATTEST:

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City Clerk

January 7, 2020

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

● ROLL CALL

PRESENT: Pignataro, Gutowsky, Summers, Troxell, Cunniff  
ABSENT: Gorgol, Stephens  
Staff Present: Atteberry, Daggett, Coldiron

● AGENDA REVIEW: CITY MANAGER

City Manager Atteberry stated there were no changes to the published agenda; however, staff is requesting Council consider postponing Item Nos. 18, *Items Relating to the Montava Planned Unit Development Master Plan and Overlay*, 19, *First Reading of Ordinance No. 015, 2020, Adopting a Development Agreement Extending the Term of Vested Rights for the Montava PUD Overlay and Regarding Certain Terms of Development Within the Montava PUD Overlay*, and 20, *Resolution 2020-007 Approving a Development Agreement to Secure Public Benefits for Development of the Montava Planned Unit Development Master Plan*, to January 14, 2020 to ensure all Councilmembers are able to participate in the discussion.

Mayor Troxell requested Council suspend its meeting rules to consider Item Nos. 18, 19, and 20 at this point in the meeting. There was no objection from Council.

**18. Items Relating to the Montava Planned Unit Development Master Plan and Overlay. (Postponed to January 14, 2020)**

***Staff is recommending Council consider a motion to postpone the public hearing and consideration of this item to an adjourned meeting at 6:00 p.m., on Tuesday, January 14, 2020, to ensure that all Councilmembers are able to participate in the discussion.***

- A. *Public Hearing and First Reading of Ordinance No. 014, 2020, Approving the Montava PUD Master Plan and Montava PUD Overlay, ODP 180002.*
- B. *Resolution 2020-004 Amending the City's Mountain Vista Subarea Plan.*
- C. *Resolution 2020-005 Amending the City's Master Street Plan.*
- D. *Resolution 2020-006 Amending the City's Parks and Recreation Policy Plan.*

Councilmember Cunniff made a motion, seconded by Councilmember Summers, to postpone Item No. 18, *Items Relating to the Montava Planned Unit Development Master Plan and Overlay*, to the adjourned meeting planned for 6:00 PM on January 14, 2020, with Second Reading as applicable on February 18, 2020.

Eric Sutherland stated it would be nice for the public to know if any elements of the proposed ordinances are considered quasi-judicial. He stated there are some legal issues with the proposed ordinances as written.

City Attorney Daggett confirmed Ordinance No. 014, 2020 is quasi-judicial and the postponement to next week does not alter that fact or affect Council's ability to hear the item.

<b>RESULT:</b>	<b>ITEMS RELATING TO THE MONTAVA PLANNED UNIT DEVELOPMENT MASTER PLAN AND OVERLAY POSTPONED TO JANUARY 14, 2020 AND SECOND READING TO FEBRUARY 18, 2020, ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Ross Cunniff, District 5
<b>SECONDER:</b>	Ken Summers, District 3
<b>AYES:</b>	Pignataro, Gutowsky, Summers, Troxell, Cunniff
<b>ABSENT:</b>	Gorgol, Stephens

19. **First Reading of Ordinance No. 015, 2020, Adopting a Development Agreement Extending the Term of Vested Rights for the Montava PUD Overlay and Regarding Certain Terms of Development Within the Montava PUD Overlay. (Postponed to January 14, 2020)**

***Staff is recommending Council consider a motion to postpone consideration of this item to an adjourned meeting at 6:00 p.m., on Tuesday, January 14, 2020, to ensure that all Councilmembers are able to participate in the discussion.***

*The purpose of this item is for Council to consider the development agreement regarding the Montava Planned Unit Development (PUD) Overlay to extend the term of vested rights from three years to twenty-five years and to adopt certain terms regarding development within the Montava PUD Overlay.*

Councilmember Cunniff made a motion, seconded by Councilmember Summers, to postpone Item No. 19, *First Reading of Ordinance No. 015, 2020, Adopting a Development Agreement Extending the Term of Vested Rights for the Montava PUD Overlay and Regarding Certain Terms of Development Within the Montava PUD Overlay*, to the adjourned meeting planned for 6:00 PM on January 14, 2020, with Second Reading as applicable on February 18, 2020.

<b>RESULT:</b>	<b>FIRST READING OF ORDINANCE NO. 015, 2020 POSTPONED TO JANUARY 14, 2020 AND SECOND READING TO FEBRUARY 18, 2020, ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Ross Cunniff, District 5
<b>SECONDER:</b>	Ken Summers, District 3
<b>AYES:</b>	Pignataro, Gutowsky, Summers, Troxell, Cunniff
<b>ABSENT:</b>	Gorgol, Stephens

20. **Resolution 2020-007 Approving a Development Agreement to Secure Public Benefits for Development of the Montava Planned Unit Development Master Plan. (Postponed to January 14, 2020)**

***Staff is recommending Council consider a motion to postpone consideration of this item to an adjourned meeting at 6:00 p.m., on Tuesday, January 14, 2020, to ensure that all Councilmembers are able to participate in the discussion.***

*The purpose of this item is to consider approval of the “Development Agreement to Secure Public Benefits for Montava Planned Unit Development Master Plan” (Public Benefits Agreement). The Public Benefits Agreement is between the City and HF2M, Inc., a Texas corporation and real estate developer (Developer). The Developer is seeking to develop approximately 999 acres of land in northeast Fort Collins (Montava Property) as a planned unit development (PUD) under the City’s Land Use Code to be known as the Montava PUD Master Plan (Montava PUD). The City Council is considering at this meeting in Agenda Item No. 18, Ordinance No. 014, 2020, which, if adopted, will approve the Montava PUD.*

Councilmember Cunniff made a motion, seconded by Councilmember Summers, to postpone Item No. 20, *Resolution 2020-007 Approving a Development Agreement to Secure Public Benefits for Development of the Montava Planned Unit Development Master Plan*, to the adjourned meeting planned for 6:00 PM on January 14, 2020, with Second Reading as applicable on February 18, 2020.

Councilmember Cunniff noted City Code and Council's rules of procedure do not allow an item to be removed and postponed without Council action once it has been published and noticed. In order to have all Councilmembers present and all districts represented, this postponement is necessary.

<b>RESULT:</b>	<b>RESOLUTION 2020-007 POSTPONED TO JANUARY 14, 2020, ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Ross Cunniff, District 5
<b>SECONDER:</b>	Ken Summers, District 3
<b>AYES:</b>	Pignataro, Gutowsky, Summers, Troxell, Cunniff
<b>ABSENT:</b>	Gorgol, Stephens

● **PUBLIC COMMENT**

Greg Dicks, U Count Executive Director, discussed his organization and others who aim to prevent human trafficking. Fort Collins ranks as the highest city for commercial sex demand and requested Council look into what is being done in THE community to ensure human trafficking is abolished.

Eric Sutherland suggested Council should consider raising electric utility fees to provide additional funds to subsidize the Connexion project. The City is not complying with the expectations communicated to voters in advance of the 2017 election.

LuAnn Goodyear discussed sex trafficking in the community and made suggestions as to how to address the issue.

Nancy York stated climate change is the community's most significant problem and she wished Councilmembers were full-time so they could properly address issues in the city. She would like to see climate change address with more urgency.

● **PUBLIC COMMENT FOLLOW-UP**

Mayor Troxell summarized the citizen comments and requested staff address Ms. York's comments in terms of budgeting and efficiencies built into the City organization. City Manager Atteberry replied the budget process begins in February and March and community dialogue becomes active from that point through the fall with an ultimate budget adoption in November for 2021-22. He believes the City organization is aligned with climate goals and he feels good about the lens the organization uses to evaluate what kind of impact actions may have from a climate standpoint.

Mayor Troxell requested staff address the comments related to human trafficking. Police Chief Swoboda replied the Police Services Neighborhood Engagement Team, consisting of seven officers, currently takes the lead on human trafficking issues. His staff is quite willing to meet

with individuals who have suggestions and acknowledged police enforcement alone will not solve the issue.

Councilmember Summers thanked Chief Swoboda for his comments and discussed the importance of educational efforts.

Councilmember Cunniff discussed how young people are groomed into human trafficking and stated educational efforts aimed at students are important.

Councilmember Pignataro noted mobility and transportation issues will be discussed at this evening's work session.

Councilmember Cunniff stated there may be a public perception issue with Connexion and asked if there may be some type of shareholder's report or other type of community-available information. City Manager Atteberry replied he could not be in greater disagreement with Mr. Sutherland and staff will be providing a quarterly business report on Connexion. Staff is trying to balance what information is shared while ensuring the City's competitive advantage is not lost.

● **CONSENT CALENDAR**

Eric Sutherland withdrew Item No. 3, *Second Reading of Ordinance No. 149, 2019, Designating the Frank J. Ulrich Property, 516 Laporte Avenue, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins*, from the Consent Agenda.

Councilmember Cunniff made a motion, seconded by Councilmember Pignataro, to adopt and approve all items not withdrawn from the Consent Agenda.

<b>RESULT:</b>	<b>CONSENT CALENDAR ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Ross Cunniff, District 5
<b>SECONDER:</b>	Julie Pignataro, District 2
<b>AYES:</b>	Pignataro, Gutowsky, Summers, Troxell, Cunniff
<b>ABSENT:</b>	Gorgol, Stephens

1. **Consideration and Approval of the Minutes of the November 19 and December 3, 2019 Regular Council Meetings. (Adopted)**

The purpose of this item is to approve the minutes from the November 19 and December 3, 2019 Regular Council meetings.

2. **Second Reading of Ordinance No. 148, 2019, Amending Chapters 12, 15 and 20 of the Code of the City of Fort Collins to Update Environmental Codes. (Adopted)**

This Ordinance, unanimously adopted on First Reading on December 17, 2019, updates existing environmental codes for clarity, consistency with current practices, and in support of their enforcement. All changes are administrative in nature and do not change the purpose of the Code sections.

3. **Second Reading of Ordinance No. 150, 2019, Amending Section 2-606 of the Code of the City of Fort Collins and Setting the Salary of the Chief Judge. (Adopted)**

This Ordinance, unanimously adopted on First Reading on December 17, 2019, establishes the 2020 salary of the Chief Judge. City Council met in executive sessions on November 12, 19, and December

17, 2019, to conduct the performance review of Chief Judge Kathleen Lane. This Ordinance sets the 2020 salary of the Chief Judge at \$121,762.

4. **Second Reading of Ordinance No. 151, 2019, Amending Section 2-581 of the Code of the City of Fort Collins and Setting the Salary of the City Attorney. (Adopted)**

This Ordinance, unanimously adopted on First Reading on December 17, 2019, establishes the 2020 salary of the City Attorney. City Council met in executive sessions on November 12, 19 and December 17, 2019, to conduct the performance review of Carrie Daggett, City Attorney. This Ordinance sets the 2020 salary of the City Attorney at \$206,090.

5. **Second Reading of Ordinance No. 153, 2019, Authorizing the City Council to Make Short-Term Appointments to City Boards and Commissions in 2020. (Adopted)**

This Ordinance, unanimously adopted on First Reading on December 17, 2019, allows Council to make one-year interim appointments to advisory boards and commissions notwithstanding the term requirements in City Code. Due to a 2019 Council Priority item (Reimagine Boards and Commissions) the City Clerk's Office was instructed to pause reappointments/interviews for all boards and commissions, except for quasi-judicial boards and boards/commissions at risk of falling below quorum. To ensure boards and commissions can maintain quorum in the face of unplanned absences and effectively perform their duties, this Ordinance will allow Council to temporarily fill boards/commissions while the Reimagine Project continues in 2020.

6. **Items Relating to the Fort Collins Police Services Victim Services Unit. (Adopted)**

- A. First Reading of Ordinance No. 001, 2020, Appropriating Unanticipated Grant Revenue from the Eighth Judicial District Victim Assistance and Law Enforcement Board in the General Fund for the Fort Collins Police Services Victim Services Unit.
- B. First Reading of Ordinance No. 002, 2020, Appropriating Unanticipated Grant Revenue from the Colorado Division of Criminal Justice under the Federal Victim of Crime Act in the General Fund for the Fort Collins Police Services Victim Services Unit.

The purpose of this item is to fund the Victim Services Unit of Fort Collins Police Services for victim advocacy services under the Colorado Victim Rights Amendment for victims of crime and their family members. The Fort Collins Police Services Victim Services Unit has been awarded two grants. The VALE Grant is a 12-month grant in the amount of \$35,500 for the period from January 1, 2020 to December 31, 2020, by the Eighth Judicial District Victim Assistance and Law Enforcement (VALE) Board to help fund services provided by this team. These funds will be used for part of the salary for the victim advocate who provides crisis intervention services during weekday hours and is housed in the Victim Services office. These funds will also pay for a portion of the operational expenses needed to provide 24-hour, 7-days/week services to victims of crime in the community. The VOCA Grant is a 12-month grant in the amount of \$24,500 for the period from January 1, 2020 to December 31, 2020, by the Colorado Division of Criminal Justice under the Federal Victim of Crime Act (VOCA), to help fund services provided by this team. These funds will be used for part of the salary for the victim advocate who provides crisis intervention services for sexual assault victims between the school ages of kindergarten through 12th grade.

7. **First Reading of Ordinance No. 003, 2020, Appropriating Unanticipated Grant Revenue and Authorizing Transfers in the General Fund for the Environmental Services Radon Program. (Adopted)**

The purpose of this item is to appropriate unanticipated grant revenue in the General Fund for the Environmental Services Radon Program. This appropriation includes \$11,052 of grant revenues provided by the Colorado Department of Public Health and Environment (CDPHE) to support radon testing and mitigation programs. The grant directly supports radon activities identified in the Environmental Services Department's core budget offer and requires a local match of \$7,368.

Matching funds are appropriated and unexpended in the 2020 Environmental Services operating budget and will be transferred to the Environmental Services Radon Program.

8. **Items relating to the 2020 Epic Homes Loan Program. (Adopted)**

- A. First Reading of Ordinance No. 004, 2020, Making Supplemental Appropriations to be Expended as Loans to Utility Services Customers Under the Epic Loan Program.
- B. First Reading of Ordinance No. 005, 2020, Making a Supplemental Appropriation for the Epic Loan Program from Unappropriated Prior Year Reserves in the Light & Power Fund to Make Debt Service Payments Under the U.S. Bank Line of Credit.

The purpose of this item is to appropriate funds for the Epic Loan Program in 2020 for loan issuance to Fort Collins Utilities electric customers and anticipated debt service to third-party capital providers. The Epic Loan Program is part of the Epic Homes comprehensive portfolio for single-family home performance for both owner- and renter-occupied homes. These appropriations will cover existing capital sources, including Light & Power reserves and grant funds, and is necessary to formally authorize the disbursement of funds for customer loans. As additional third-party loan agreements are authorized by the Electric Utility Enterprise Board, the associated appropriations will be included. For future years, staff will include loan issuance and debt service as part of the biennial Budgeting for Outcomes process. The 2020 appropriation for loan issuance is \$3,270,083 and the appropriation for debt service is \$75,000.

9. **First Reading of Ordinance No. 006, 2020, Making Appropriations for the 2020 Climate Action Plan Mitigation and Resilience Projects and Related Art in Public Places. (Adopted)**

The purpose of this item is to approve an off-cycle appropriation package to address existing and emerging infrastructure demands and refocused investments in Energy Services programs. This package supports resilience by improving electric system reliability and grid flexibility with additional Distributed Energy Resource (DER) program elements and improving carbon mitigation by directing additional support for commercial-scale solar. The Energy Services elements are a realignment of existing budget, while the Electric Utility distribution system elements can be funded from unspent 2019 reserves. The package focuses on “no regrets” acceleration of planned activities of the Electric Utility Capital Improvement Plan and 2030 climate and energy objectives.

The package’s reliability scope also supports broadband services (3.7 Deploy reliable, high-speed internet) because the work is aligned with FC Connexion deployment as it creates new markets via annexations or pathways via spare conduits to deploy fiber in the electric system. Accelerating this investment is also aligned with the recently published Electric Utility 2019 Capital Improvement Plan and the FC Connexion deployment schedule.

10. **Items Relating to the Taft Hill Improvements Project–Horsetooth to Harmony. (Adopted)**

- A. Resolution 2020-001 Authorizing the Execution of Two Intergovernmental Agreements by the City of Fort Collins, One with the Colorado Department of Transportation and One with Larimer County, for the Taft Hill Improvements Project-Horsetooth to Harmony.
- B. First Reading of Ordinance No. 007, 2020, Appropriating Federal Surface Transportation Block Grant Funds Administered by the Colorado Department of Transportation for the Taft Hill Improvements Project-Horsetooth to Harmony.
- C. First Reading of Ordinance No. 008, 2020, Appropriating Regional Transportation Capital Improvement Expansion Fees and Authorizing Transfers of Appropriations for the Taft Hill Improvements Project-Horsetooth to Harmony and Related Art in Public Places.

The purpose of this item is to enable the City to receive and use federal and Regional Transportation Capital Improvement Expansion Fees for the Taft Hill Improvements Project-Horsetooth to Harmony.

This item will authorize the Mayor to sign two intergovernmental agreements to receive and use these funds; the first with the Colorado Department of Transportation and the second with Larimer County. This item will also appropriate \$5,380,000 into the Capital Projects fund for the Project. These funds will be used for the design, property acquisition, and construction of roadway improvements along Taft Hill Road from Horsetooth Road to south of Harmony Road, ending at Brixton Road.

11. **First Reading of Ordinance No. 009, 2020, Amending Certain Sections of Chapter 25 of the Code of the City of Fort Collins to Provide a Sales Tax Exemption for Mobile Homes. (Adopted)**

The purpose of this item is to add a partial sales tax exemption for new mobile/manufactured home sales in the City and a total exemption for used mobile/manufactured home sales. The City currently applies sales tax on all mobile/manufactured home sales, whereas the State of Colorado and Larimer County exempt all mobile/manufactured home sales from sales tax. Conventional (site-built) homes pay sales or use tax on materials used in construction and there is no sales tax for subsequent sales of the site-built home. All mobile/manufactured homes and site-built homes pay property tax based on the assessed value.

Exemption options were discussed with Council Finance Committee in December. The Committee supported a 50% sales tax exemption on the initial new purchase of a mobile/manufactured home and a complete exemption on all subsequent sales.

12. **Items Relating to Marijuana Licensing. (Adopted)**

A. First Reading of Ordinance No. 010, 2020, Amending Chapter 15, Article XVI of the Code of the City of Fort Collins Regulating Medical Marijuana Businesses to Clarify and Align City Code with State Law.

B. First Reading of Ordinance No. 011, 2020, Amending Chapter 15, Article XVII of the Code of the City of Fort Collins Regulating Retail Marijuana Businesses to Clarify and Align City Code with State Law.

The purpose of these items is to amend the City Code provisions relating to medical and retail marijuana businesses to align them with recent changes in the State law.

13. **First Reading of Ordinance No. 012, 2020, Amending Section 23-113 of the Code of the City of Fort Collins to Authorize the City Manager to Approve Subleases of City Property. (Adopted)**

The purpose of this item is to amend Section 23-113 of City Code to authorize the City Manager, or his or her designee, to provide written consent, at his or her sole discretion, to a tenant of City-owned property to sublease all or a portion of the property for a definite term of five years or less where the original lease was approved by the City Council and the terms of such lease do not restrict, condition or prohibit subleasing.

14. **First Reading of Ordinance No. 013, 2020, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Property Rights Necessary for Access in Connection with Phase 1 (Permitting and Design) of the Halligan Water Supply Project. (Adopted)**

The purpose of this item is to seek authorization from City Council to use eminent domain, if necessary and as a last resort, to acquire access rights for the permitting and design phase (Phase 1) of the Halligan Water Supply Project (Halligan Project), including access to Halligan Reservoir, the North Poudre Canal Diversion Structure, and the Calloway Diversion Structure. The acquisitions will include purchase of temporary access easements from three of the property owners directly impacted by the Halligan Project.

To meet near-term project timelines, prompt acquisition of the access rights is necessary. Staff fully intends to continue negotiating in good faith with the affected property owners and is requesting

authorization to use eminent domain only if project staff, in consultation with the City Attorney's Office, believes such action is necessary after reasonable efforts to negotiate an acquisition.

15. **Resolution 2020-002 Ratifying the Appointment of Corey Radman to the Poudre River Library District Board of Trustees. (Adopted)**

The purpose of this item is to appoint Corey Radman to the Poudre River Library District Board of Directors to fill a vacancy that exists due to the September 17, 2019 resignation of John Frey.

16. **Resolution 2020-003 Making Appointments to Various Boards, Commissions and Authorities of the City of Fort Collins. (Adopted)**

The purpose of this item is to appoint individuals to fill vacancies on various boards, commissions and authorities that exist due to the expiration of terms of certain members and the resignation of previous boardmembers.

● **END CONSENT**

● **CONSENT CALENDAR FOLLOW-UP**

Councilmember Cunniff requested additional information related to Item No. 14, *First Reading of Ordinance No. 012, 2020, Amending Section 23-113 of the Code of the City of Fort Collins to Authorize the City Manager to Approve Subleases of City Property*, prior to Second Reading.

City Manager Atteberry discussed the intent of Item No. 12, *First Reading of Ordinance No. 009, 2020, Amending Certain Sections of Chapter 25 of the Code of the City of Fort Collins to Provide a Sales Tax Exemption for Mobile Homes*, which is to similarly tax mobile, manufactured, and site built homes and treat all residences similarly. This item adds a partial tax exemption for new mobile home and manufactured home sales and a total exemption for used mobile home and manufactured home sales in the city. This speaks directly to Council's equity, inclusion, and housing affordability goals.

● **STAFF REPORTS**

A. Retaining Sense of Place Through Landmark Designation. (staff: Karen McWilliams)

Karen McWilliams, Historic Preservation Manager, discussed landmark designation and how it promotes the community's sense of place. Landmark designation protects the city's history and celebrates and promotes its unique story. She detailed the ways in which historic preservation aligns with the City's strategic outcomes and discussed the landmark designation process.

Councilmember Summers commended the report.

Councilmember Gutowsky commended the report and the work that has been done to preserve and protect the city's historic resources.

Councilmember Cunniff commended the report and expressed his support for historic preservation. He asked about the status of a building inventory. McWilliams replied it is proceeding at a good pace and stated about 325 properties have been surveyed and staff has determined which of those warrant additional survey information. That information has been very helpful in the development review process.

Councilmember Cunniff asked about the status of the historic preservation assistance funds. McWilliams replied it would be beneficial to look at an increase in the funds, or a reallocation of funds to enhance them more robustly. Both funds have fallen behind; therefore, many professionals who used to be a part of the program are no longer interested in picking up that type of work.

● **COUNCILMEMBER REPORTS**

Mayor Troxell reported on the December 29 menorah lighting ceremony in Old Town and commented on recent antisemitic and vandalism events in the community.

● **DISCUSSION ITEMS**

20. **Second Reading of Ordinance No. 152, 2019, Amending Section 2-596 of the Code of the City of Fort Collins and Setting the Salary of the City Manager. (Adopted on Second Reading)**

*This Ordinance, adopted on First Reading on December 17, 2019 by a vote of 5-2 (nays: Cunniff, Pignataro), establishes the 2020 salary of the City Manager. City Council met in executive sessions on November 12, 19 and December 17, 2019 to conduct the performance review of Darin Atteberry, City Manager. This Ordinance sets the 2020 salary of the City Manager at \$278,475.*

Eric Sutherland discussed Connexion's business plan and stated there are not as many subscribers as promised to this point. Citizen concerns should be better addressed by the City Manager.

Councilmember Summers noted Connexion has not been in operation for a full year, as was stated by Mr. Sutherland. He noted he was the only Council vote in opposition to the broadband utility and stated he does not see any concerns at this point. That issue is irrelevant to the issue at hand.

Councilmember Summers made a motion, seconded by Councilmember Gutowsky, to adopt Ordinance No. 152, 2019, on Second Reading.

Councilmember Cunniff stated the City Manager's salary is out of balance with respect to the market and the way to correct that is to refrain from giving increases until the imbalance is corrected.

Mayor Troxell stated he would support the motion and commended City Manager Atteberry's work in leading a complex organization.

<b>RESULT:</b>	<b>ORDINANCE NO. 152, 2019, ADOPTED ON SECOND READING [3 TO 2]</b>
<b>MOVER:</b>	Ken Summers, District 3
<b>SECONDER:</b>	Susan Gutowsky, District 1
<b>AYES:</b>	Gutowsky, Summers, Troxell
<b>NAYS:</b>	Pignataro, Cunniff
<b>ABSENT:</b>	Gorgol, Stephens

21. **Resolution 2020-008 Appointing a Backup Alternate Representative to the North Front Range Metropolitan Planning Council. (Adopted)**

*The purpose of this item is designate a Councilmember as a second alternate to the North Front Range Metropolitan Planning Council.*

Mayor Troxell stated the primary representative for the North Front Range Metropolitan Planning Council is Mayor Pro Tem Stephens and he is an alternate. The upcoming meeting cannot be attended by either representative; therefore, a backup alternate must be identified. He recommended Councilmember Cunniff be the backup alternate.

Councilmember Cunniff stated he would be willing to be the backup alternate.

Councilmember Summers made a motion, seconded by Councilmember Cunniff, to adopt Resolution 2020-008 appointing Ross Cunniff as the second alternate to the North Front Range Metropolitan Planning Council.

<b>RESULT:</b>	<b>RESOLUTION 2020-008 ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Ken Summers, District 3
<b>SECONDER:</b>	Ross Cunniff, District 5
<b>AYES:</b>	Pignataro, Gutowsky, Summers, Troxell, Cunniff
<b>ABSENT:</b>	Gorgol, Stephens

● **CONSIDERATION OF CITIZEN-PULLED CONSENT ITEMS**

22. **Second Reading of Ordinance No. 149, 2019, Designating the Frank J. Ulrich Property, 516 Laporte Avenue, Fort Collins, Colorado, as a Fort Collins Landmark Pursuant to Chapter 14 of the Code of the City of Fort Collins. (Adopted on Second Reading)**

*This item is a quasi-judicial matter and if it is considered on the discussion agenda, it will be considered in accordance with the procedures described in Section 1(f) of the Council's Rules of Meeting Procedures adopted in Resolution 2019-064.*

This Ordinance, unanimously adopted on First Reading on December 17, 2019, designates the Frank J. Ulrich property located at 516 Laporte Avenue as a Fort Collins Landmark. This is a voluntary designation at the property owner's request. The property owner is 516 Laporte, LLC, of which Dale Eggleston is a member.

Mayor Troxell noted Mr. Sutherland, who pulled this item, is no longer present, and stated this is a public hearing. The property owner was not present to participate in the hearing.

Mayor Troxell discussed the connections of Frank Ulrich to Fort Collins.

Councilmember Cunniff made a motion, seconded by Councilmember Gutowsky, to adopt Ordinance No, 149, 2019, on Second Reading.

<b>RESULT:</b>	<b>Ordinance No. 149, 2019, ADOPTED ON SECOND READING [UNANIMOUS]</b>
<b>MOVER:</b>	Ross Cunniff, District 5
<b>SECONDER:</b>	Susan Gutowsky, District 1
<b>AYES:</b>	Pignataro, Gutowsky, Summers, Troxell, Cunniff
<b>ABSENT:</b>	Gorgol, Stephens

● **OTHER BUSINESS**

Councilmember Pignataro and Mayor Troxell recognized the scouts who are present.

Councilmember Cunniff discussed the Gardens on Spring Creek "garden of lights" event, noting

this was the first year an admission fee was required. He requested and received Council support to direct staff develop options related to changing the admission fee policy for next year.

Councilmember Cunniff requested and received Council support to direct staff to consider options related to changing the general admission fee for the Gardens on Spring Creek and to ensure Council provides approval for changing any currently free parks or other venues to an admission basis.

Mayor Troxell suggested analyzing reciprocal relationships and best practices in terms of the admission fees. He commended the new aspects of the Gardens.

Councilmember Summers announced his intent to create an ad hoc task force to help address and create dialogue around human trafficking and received support for such an effort.

● **ADJOURNMENT**

A. Consideration of a motion to adjourn to 6:00 p.m., Tuesday, January 14, 2020.

Councilmember Cunniff made a motion, seconded by Councilmember Pignataro, that Council adjourn this meeting to 6:00 p.m., on Tuesday, January 14, 2020, to consider items relating to the Montava development and for such other business as may come before the Council.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Ross Cunniff, District 5
<b>SECONDER:</b>	Julie Pignataro, District 2
<b>AYES:</b>	Pignataro, Gutowsky, Summers, Troxell, Cunniff
<b>ABSENT:</b>	Gorgol, Stephens

The meeting adjourned at 7:22 PM.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk